

REMARKS/ARGUMENTS

Claims 1-3, 5, 15, 20-23, 25 and 34 have been amended. Claims 4, 6-14, 16-19, 24, 26-33 and 35-38 remain unchanged. New claims 39-42 have been added.

The above claim amendments are fully supported by the original specification as filed, and do not contain any new matter.

Independent claim 1 has been amended to disclose "a method of generating a new enterprise by

- a) forming a holding company comprising of previously existing enterprises;
- b) depositing at least one intellectual property(IP) asset previously developed for a first application within one of said previously existing enterprises in a common database owned by said holding company;
- c) evaluating and developing a second application for said at least one IP asset; and
- d) deciding whether to form said new enterprise based on said developed second application for said at least one IP asset.

Independent claim 20 has been amended to disclose "a business system for generating a new enterprise, the system comprising:

- a holding company comprising of existing enterprises;
- at least one intellectual property(IP) asset developed within one of said existing enterprises for a first application;
- an IP database contained within said holding company for depositing said at least one IP asset; and
- a new application development team for developing a second application for said at least one IP asset.

The Examiner rejected independent claims 1 and 20 under 35 U.S.C. 103 (a) as being unpatentable over R1 (Orbit article) alone or further in view of Article SmartPatents or R2 (Article of 7/1999 "Entrepreneurs... in Oxford"). R1 describes Orbit Technologies Inc. as being an "intellectual property holding company which identifies, develops and acquires new technologies and devises commercial applications which are taken to market through licensing or joint venture partners". There is no indication that step a) of claim 1 applies to Orbit Technologies, i.e., Orbit Technologies is an intellectual property holding company and not a holding company that comprises previously existing enterprises. Steps b) and c) do not apply to Orbit Technologies either. Orbit Technologies does not take previously developed IP assets for a first application and develops a second application for these assets, i.e., reuse of previously developed IP assets. Furthermore, it states that Orbit Technologies brings new commercial applications to market through licensing or joint ventures, rather than through spinning out new enterprises as is the case in the current invention. The SmartPatent article describes a "patent database software that assists firms in protecting and optimizing use of IP for profitability", i.e., it is a tool for evaluating IP assets. Step a) of forming a holding company, step b) of depositing at least one IP asset developed for a first application in a database, step c) of developing a second application for the IP asset, and step d) of deciding whether to form a new enterprise do not apply for the SmartPatent software. R2 discloses a VentureFest, " a conference designed to bring business ideas and resources together". Again steps a), b), c) and d) do not apply to R2. Therefore, it is believed that independent claims 1 and 20 define an invention, which is unobvious and patentable over R1 or the SmartPatents article, or R3 taken singularly or in combination and as such should be allowed.

The Examiner also rejected independent claims 1 and 20 under 35 U.S.C. 103 (a) as being unpatentable over R1 (Orbit article) in view of R3 (Pegasus article) and Article SmartPatents. Again, there is no indication that step a) of claim 1 applies to Orbit Technologies, i.e., Orbit Technologies is an intellectual property holding company and not a holding company that comprises previously existing enterprises. Steps b) and c) do not apply to Orbit Technologies either. Orbit Technologies does not take previously

developed IP assets for a first application and develops a second application for these assets, i.e., reuse of previously developed IP assets. In R3 article Pegasus Communication Corporation announced that it created a new holding company by reorganizing its existing businesses. Reorganizing a business is not the same as forming a new holding company of previously existing independent businesses. “Pegasus is effecting this reorganization to increase its flexibility to pursue new activities and initiatives through other subsidiaries of the new holding company rather than through the existing company” as stated in the abstract. There is no indication that Pegasus, applies steps b) and c) of taking previously developed IP assets for a first application and develops a second application for these assets, i.e., reuse of previously developed IP assets. As was mentioned above, the SmartPatent article describes a “patent database software that assists firms in protecting and optimizing use of IP for profitability”, i.e., it is a tool for evaluating IP assets. The SmartPatent article does not teach step a) of forming a holding company, step b) of depositing at least one IP asset developed for a first application in a database, step c) of developing a second application for the IP asset, and step d) of deciding whether to form a new enterprise. Accordingly, it is believed that independent claims 1 and 20 define an invention, which is unobvious and patentable over R1 or the SmartPatents article, or R3 taken singularly or in combination and as such should be allowed.

Claims 2-19 and 39-40 depend directly or indirectly upon claim 1 and as such should also be allowed.

Claims 21-38 and 41-42 depend directly or indirectly upon claim 20 and as such should also be allowed.

Therefore, it is believed that all claims as amended define an invention, which is patentable and unobvious over R1 or the SmartPatents article, or R2 or R3 taken singularly or in combination.

In view of the above, it is submitted that all claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-42 at an early date is solicited.

Four new dependent claims have been added. A check for \$72.00 dollars is enclosed as the additional claims fee for the newly added claims.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 617-558-5389

Respectfully submitted,



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